

**REMARKS**

This Amendment is filed in response to the Office Action mailed on December 15, 2006. All objections and rejections are respectfully traversed.

Claims 1-47 are currently pending.

Claims 33-47 are added.

**Request for Interview**

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

**Claim Rejections – 35 USC § 101**

At paragraphs 2-3 of the Office Action, claims 1-26 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicant respectfully disagrees because representative claim 1, is configured for management of a cluster storage system, which is hardware. Additionally, representative claim 13 is a method performed on a cluster storage system. Accordingly, as claims 1-26 are applied to hardware, the claims should be allowable over the §101 rejection.

At paragraph 4 of the Office Action, claims 27-32 were rejected under 35 U.S.C. §101, as being directed to non-statutory subject matter. Specifically, the Examiner rejected the use of “executing a cfmode command.”

Applicant notes that the command can either be executed by a user or an application within the computer reading the computer readable medium. Furthermore, Applicant notes that the Federal Circuit has held that a process claim that applies a mathematical algorithm to "produce a useful, concrete, tangible result without pre-empting other uses of the mathematical principle, on its face comfortably falls within the scope of § 101," *AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999). A user cannot see what the computer is doing as it performs the command, but executing the command allows the system to run in a user selected cluster mode which allows for one of a plurality of failover modes. The command allows for a useful, tangible, concrete result because the system runs in a selected cluster mode. Accordingly, claims 27-32 should be allowable over the §101 rejection.

#### **Claim Rejections – 35 USC § 102**

At paragraphs 5-6 of the Office Action, claims 1-4, 6-22, and 24-32 were rejected under 35 U.S.C. §102 as being anticipated by Blumenau et al., US Patent 6,421,711, hereinafter Blumenau.

The present invention, as set forth in representative claim 1, comprises in part:

1. A system configured to simplify management of a clustered storage system having a plurality of failover modes, the system comprising:
  - a user interface system that defines one of a plurality of failover modes; and
  - a command set implemented by the user interface system and including a command for setting a cluster mode.*

By way of background, Blumenau discloses a storage controller with at least one physical port and a plurality of virtual ports. A virtual switch routes storage requests from the physical port to the virtual ports. The storage controller includes a graphical user interface (GUI) that includes a grid of logical volumes to storage adapter ports. Additionally, at each intersection on the grid, target/LUNs are assigned to provide the administrator with a view of the mappings of LUNs to logical storage volumes and storage adapters. Furthermore, an administrator can use “mount” and “unmount” commands for mounting and unmounting storage volumes to storage ports.

Applicant respectfully urges that Blumenau does not disclose Applicant’s claimed novel *a command set implemented by the user interface system and including a command for setting a cluster mode*. In further detail, in Applicant’s claimed invention, a user interface is used to simplify management of a clustered storage system. The user interface defines a plurality of failover modes for operating the cluster in cluster mode. The command set permits the administrator to set the cluster failover mode as STANDBY, PARTNER, DUAL\_FABRIC or MIXED. “In STANDBY mode, the storage appliances utilize standby ports and a conventional failover mechanism. In the PARTNER mode, the appliances utilize the partner ports for data access proxying. In the DUAL\_FABRIC mode, which is typically set when the storage appliance has only one physical port, the storage appliance utilizes virtual ports to emulate additional active ports for clients. If the MIXED mode is set for the cluster, both the standby and partner ports are utilized.” (Specification, page 6, lines 16-20). In contrast, Blumenau discloses a graphical user interface for organizing storage volumes and storage ports. Specifically,

Blumenau includes a command line for mounting (or unmounting) volumes with a particular storage port. There is no disclosure of Blumenau of *a command set ... including a command for setting a cluster mode*. There is no disclosure in Blumenau of a command for setting a cluster mode, where the cluster mode defines the failover mode to be used. Blumenau does not select a failure mode from a plurality of failure modes for the storage controller.

Accordingly, Applicant respectfully urges that Blumenau is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *a command set implemented by the user interface system and including a command for setting a cluster mode*.

#### **Claim Rejections – 35 USC § 103**

At paragraphs 7-8 of the Office Action, claims 5 and 23 were rejected under 35 U.S.C. §103 as being unpatentable over Blumenau, in view of Clark, "IP SANs: A Guide to iSCSI, iFCP, and FCIP Protocols for Storage Area Networks" Published Nov. 26, 2001, hereinafter Clark.

Applicant respectfully notes that claims 5 and 23 are dependent claims that depend from independent claims believed to be in condition for allowance. Accordingly, claims 5 and 23 are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are dependent from independent claims which are believed to be in condition for allowance. Accordingly, all dependent claims are believed to be in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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Shannen C. Delaney  
Reg. No. 51,605  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500